

<b>TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371</b>		ATTORNEY'S DOCKET NO. 1034136-000038
		U.S. APPLICATION NO. (If known) <b>10/594029</b> Classified
INTERNATIONAL APPLICATION NO. PCT/US2005/010216	INTERNATIONAL FILING DATE 25 March 2005	PRIORITY DATE CLAIMED 26 March 2004
TITLE OF INVENTION OPTICAL LIMITER HAVING TRIMETALLIC NITRIDE ENDOHEDRAL METALLOFULLERENE FILMS		
APPLICANT(S) FOR DO/EO/US Daniel R. KLEMER, Charles B. GAUSE and Steven A. STEVENSON		
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
<ol style="list-style-type: none"> <li>1. <input checked="" type="checkbox"/> This is a <b>FIRST</b> submission of items concerning a submission under 35 U.S.C. 371.</li> <li>2. <input type="checkbox"/> This is a <b>SECOND</b> or <b>SUBSEQUENT</b> submission of items concerning a submission under 35 U.S.C. 371.</li> <li>3. <input type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.</li> <li>4. <input type="checkbox"/> The US has been elected (Article 31).</li> <li>5. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2)) <ol style="list-style-type: none"> <li>a. <input checked="" type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau).</li> <li>b. <input type="checkbox"/> has been communicated by the International Bureau.</li> <li>c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).</li> </ol> </li> <li>6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)) <ol style="list-style-type: none"> <li>a. <input type="checkbox"/> is attached hereto.</li> <li>b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4).</li> </ol> </li> <li>7. <input checked="" type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)) <ol style="list-style-type: none"> <li>a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau).</li> <li>b. <input type="checkbox"/> have been communicated by the International Bureau.</li> <li>c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.</li> <li>d. <input checked="" type="checkbox"/> have not been made and will not be made.</li> </ol> </li> <li>8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).</li> <li>9. <input type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).</li> <li>10. <input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).</li> </ol> <p>Items 11 to 20 below concern document(s) or information included:</p> <ol style="list-style-type: none"> <li>11. <input checked="" type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.</li> <li>12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.</li> <li>13. <input type="checkbox"/> A preliminary amendment.</li> <li>14. <input checked="" type="checkbox"/> An Application Data Sheet under 37 CFR 1.76.</li> <li>15. <input type="checkbox"/> A substitute specification.</li> <li>16. <input type="checkbox"/> A power of attorney and/or change of address letter.</li> <li>17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821-1.825.</li> <li>18. <input type="checkbox"/> A second copy of the published International Application under 35 U.S.C. 154(d)(4).</li> <li>19. <input type="checkbox"/> A second copy of the English language translation of the International Application under 35 U.S.C. 154(d)(4).</li> </ol> <p>Other items or information: 1) General Authorization for Petitions for Extensions of Time and Payment of Fees, 2) Form PCT/RO/105, 3) Copy of PCT Request Form, 4) Form PCT/ISA/202, 5) Form PCT/IB/304, 6) Form PCT/IB/301, 7) 2 Form PCT/IB/311, 8) Form PCT/IB/308, 9) Form PCT/ISA/220, 10) Form PCT/ISA/210 (International Search Report), 11) Form PCT/ISA/237 (Written Opinion), 12) Form PCT/RO/102, 13) Copy of Resp. to Invitation to Correct Defects, and 14) three Sheets of Labeled Drawings (Figs. 1-5).</p>		

U.S. APPLICATION NO. (If known) <b>10/594029</b>	INTERNATIONAL APPLICATION NO. PCT/US2005/010216	ATTORNEY'S DOCKET NO. 1034136-000038
---	--	---

The following fees have been submitted:				CALCULATIONS	PTO USE ONLY
21. <input checked="" type="checkbox"/>	Basic National fee (37 CFR 1.492(a)) (1631) \$ 300			\$ 300	
22. <input checked="" type="checkbox"/>	Examination fee (37 CFR 1.492(c)) If the written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4) (1643) \$ 0 All other situations (1633) \$ 200			\$ 0	
23. <input checked="" type="checkbox"/>	Search fee (37 CFR 1.492(b)) If the written opinion of the ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4) (1640) \$ 0 Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority (1641) \$ 100 International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB (1642) \$ 400 All other situations (1632) \$ 500			\$ 0	
<b>TOTAL OF 21, 22 AND 23 =</b>				<b>\$ 300</b>	
<input type="checkbox"/>	Additional fee for specifications and drawings filed in paper over 100 sheets (excluding sequence listing in compliance with 37 CFR 1.821(c) or (e) or computer program listing in an electronic medium) (37 CFR 1.492(j)). The fee is \$ 250 (1681) for each additional 50 sheets of paper or fraction thereof.				
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE		
0	-100 =	0	/50 =	0	x \$ 250
<input type="checkbox"/> Surcharge of \$ 130 (1617) for furnishing any of the search fee, examination fee, or the oath or declaration after the date of commencement of the national stage (37 CFR 1.492(h)).				\$ 0	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total claims	32	- 20 =	12	x \$ 50 (1615)	\$ 600
Independent Claims	2	- 3 =	0	x \$ 200 (1614)	\$ 0
MULTIPLE DEPENDENT CLAIM(S) (if applicable)				+ \$ 360 (1616)	\$ 0
<b>TOTAL OF ABOVE CALCULATIONS =</b>				<b>\$ 900</b>	
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by 1/2				<b>450</b>	
<b>SUBTOTAL =</b>				<b>\$ 450</b>	
Processing fee of \$ 130 (1618) for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)).				+	0
<b>TOTAL NATIONAL FEE =</b>				<b>\$ 450</b>	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$ 40 per property				+	0
<b>TOTAL FEES ENCLOSED =</b>				<b>\$ 450</b>	
				<b>Amount to be refunded:</b>	<b>\$</b>
				<b>Amount to be charged:</b>	<b>\$</b>

- a. ☐ A check in the amount of \_\_\_\_\_ to cover the above fees is enclosed.
- b. ☐ Please charge my Deposit Account No. 02-4800 in the amount of \_\_\_\_\_ to cover the above fees. A duplicate copy of this sheet is enclosed.
- c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 02-4800. A duplicate copy of this sheet is enclosed.
- d. ☒ Charge \$ 450 to credit card. Form PTO-2038 is attached.

**NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.**

SEND ALL CORRESPONDENCE TO:

Customer No 21839  
P.O. Box 1404  
Alexandria, VA 22313-1404  
703 836 6620  
Date: September 25, 2006

SIGNATURE

Susan M. Dadio  
NAME

40373  
REGISTRATION NO.

**TRANSMITTAL LETTER TO THE  
UNITED STATES RECEIVING OFFICE**

Date	May 20, 2005
International Application No.	PCT/US2005/010216
Attorney Docket No.	034136-020

**I. Certification under 37 CFR 1.10 (if applicable)**

Express Mail mailing number
-----------------------------

Date of Deposit
-----------------

I hereby certify that the application/correspondence attached hereto is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Director of the U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450.

Signature of person mailing correspondence
--

Typed or printed name of person mailing correspondence
--

**II. ☐ New International Application**

TITLE	
-------	--

Earliest priority date  
(Day/Month/Year)

**SCREENING DISCLOSURE INFORMATION:** In order to assist in screening the accompanying international application for purposes of determining whether a license for foreign transmittal should and could be granted and for other purposes, the following information is supplied. (Note: check as many boxes as apply):

- A. ☐ The invention disclosed was not made in the United States.  
 B. ☐ There is no prior U.S. application relating to this invention.  
 C. ☐ The following prior U.S. application(s) contain subject matter which is related to the invention disclosed in the attached international application. (NOTE: Priority to these applications may or may not be claimed on form PCT/RO/101 (Request) and this listing does not constitute a claim for priority.)

application no.		filed on	
application no.		filed on	

- D. ☐ The present international application ☐ contains additional subject matter not found in the prior U.S. application(s) identified in paragraph C. above. The additional subject matter is found on pages  and ☐ DOES NOT ALTER ☐ MIGHT BE CONSIDERED TO ALTER the general nature of the invention in a manner which would require the U.S. application to have been made available for inspection by the appropriate defense agencies under 35 U.S.C. 181 and 37 CFR 5.1. See 37 CFR 5.15.

**III. ☒ A Response to an Invitation from the RO/US. The following document(s) is(are) enclosed:**

- A. ☐ A Request for An Extension of Time to File a Response  
 B. ☐ A Power of Attorney (General or Regular)  
 C. ☒ Replacement pages:

pages		of the request (PCT/RO/101)	pages	3	of the figures
pages		of the description	pages		of the abstract
pages		of the claims	pages		

- D. ☐ Submission of Priority Documents

Priority document		Priority document	
-------------------	--	-------------------	--

- E. ☐ Fees as specified on attached Fee Calculation sheet form PCT/RO/101 annex

**IV. ☐ A Request for Rectification under PCT 91 ☐ A Petition ☐ A Sequence Listing Diskette**

**V. ☐ Other (please specify.)**

The person  
signing this  
form is the:

<input type="checkbox"/> Applicant	Susan M. Dado
<input checked="" type="checkbox"/> Attorney/Agent (Reg. No.) 40,373	Typed name of signer
<input type="checkbox"/> Common Representative	Signature

10/594029

IAP01 Rec'd PCT/PTO 25 SEP 2006

Attorney Docket No. 034136-020

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
PATENT COOPERATION TREATY RECEIVING OFFICE

In re International Application of )  
LUNA INNOVATIONS INCORPORATED ) US/RO  
International Application No.: PCT/US2005/010216 ) PCT RECEIVING OFFICE  
International Filing Date: 25 March 2005 )  
Earliest Priority Date: 26 March 2004 )  
For: OPTICAL LIMITER HAVING )  
TRIMETALLIC NITRIDE ENDOHEDRAL )  
METALLOFULLERENE FILMS )

RESPONSE TO INVITATION TO CORRECT DEFECTS IN THE  
INTERNATIONAL APPLICATION UNDER PCT RULE 26bis

Mail Stop PCT, Commissioner for Patents  
P. O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

This is in response to the Invitation to Correct Defects in the International Application dated April 22, 2005. The drawings originally filed with the application are objected to as outlined on Annex C1 of the Invitation.

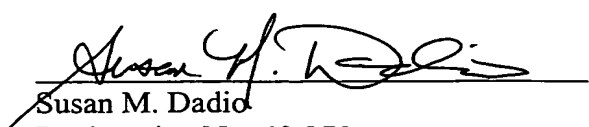
Applicants submit herewith new formal drawings to replace the drawings originally filed with the application.

Please confirm safe receipt of the aforementioned information and confirm that this will rectify the errors in the PCT Request and description of the application.

Should any questions arise in connection with this application, the undersigned respectfully requests that he be contacted at the number indicated below.

Respectfully submitted,  
BURNS DOANE SWECKER & MATHIS L.L.P.

Date: May 20, 2005

  
Susan M. Dadio  
Registration No. 40,373

P. O. Box 1404  
Alexandria, Virginia 22313-1404  
Telephone: 703.836.6620